

Version
as at 28 October 2021



Age of Majority Act 1970

Public Act 1970 No 137
Date of assent 2 December 1970
Commencement see section 1(2)

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry of Justice.

An Act to amend the law relating to the age of majority and to the time when a particular age is attained

1 Short Title and commencement

- (1) This Act may be cited as the Age of Majority Act 1970.
- (2) This Act shall come into force on 1 January 1971.

2 Interpretation

In this Act, unless the context otherwise requires,—

enactment means any provision of any Act (other than this Act) or of any secondary legislation

instrument means any written document of whatever nature (not being an enactment).

Section 2 **Act**: repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 2 **enactment**: amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 2 **regulations**: repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

3 Act to bind the Crown

This Act shall bind the Crown.

4 Age of majority

- (1) For all the purposes of the law of New Zealand a person shall attain full age on attaining the age of 20 years.
- (2) In the absence of a definition or of any indication of a contrary intention, the expressions **adult, full age, infant, infancy, minor, minority, full capacity, majority**, and similar expressions in any enactment or instrument shall be construed in accordance with subsection (1).
- (3) This section shall not affect any reference in any enactment or instrument to an age expressed in years.

5 Attainment of particular age

For all the purposes of the law of New Zealand the time at which a person attains a particular age expressed in years shall be the commencement of the relevant anniversary of the date of his birth.

6 Related amendments to other Acts

The Acts specified in Schedule 1 are hereby amended in the manner indicated in that schedule.

7 Related amendments to regulations

- (1) The regulations specified in Schedule 2 are hereby amended in the manner indicated in that schedule.
- (2) The amendment by this section of the regulations specified in Schedule 2 shall be without prejudice to any power of amending or revoking those regulations.
- (3) The Governor-General may from time to time, by Order in Council, consequentially revoke Schedule 2 or any part of that schedule.
- (4) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

| | | |
|---------------------|--|-------------------------------|
| Publication | PCO must publish it on the legislation website and notify it in the <i>Gazette</i> | LA19 s 69(1)(c) |
| Presentation | The Minister must present it to the House of Representatives | LA19 s 114, Sch 1 cl 32(1)(a) |
| Disallowance | It may be disallowed by the House of Representatives | LA19 ss 115, 116 |

This note is not part of the Act.

Section 7(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

8 Transitional provisions and savings

Sections 4 to 7 shall be subject to the transitional provisions and savings set out in Schedule 3.

9 Laws of Niue and Tokelau not affected

Nothing in this Act shall affect the law as it applies to Niue and Tokelau.

Section 9 heading: amended, on 9 December 1976, pursuant to section 3(8) of the Tokelau Amendment Act 1976 (1976 No 122).

Section 9: amended, on 9 December 1976, pursuant to section 3(8) of the Tokelau Amendment Act 1976 (1976 No 122).

Schedule 1

Acts amended

s 6

Acts Interpretation Act 1924 (1924 No 11) (Reprinted 1966 Statutes, Vol 3, p 1973)

Amendment(s) incorporated in the Act(s).

Adoption Act 1955 (1955 No 93) (1957 Reprint, Vol 1, p 79)

Amendment(s) incorporated in the Act(s).

Building Societies Act 1965 (1965 No 22)

Amendment(s) incorporated in the Act(s).

Estate and Gift Duties Act 1968 (1968 No 35)

Amendment(s) incorporated in the Act(s).

Health Act 1956 (1956 No 65) (1957 Reprint, Vol 6, p 1)

Amendment(s) incorporated in the Act(s).

Industrial and Provident Societies Act 1908 (1908 No 81) (1957 Reprint, Vol 6, p 390)

Amendment(s) incorporated in the Act(s).

Land Act 1948 (1948 No 64) (1957 Reprint, Vol 7, p 1)

Amendment(s) incorporated in the Act(s).

Magistrates' Courts Act 1947 (1947 No 16) (1957 Reprint, Vol 8, p 647)

Amendment(s) incorporated in the Act(s).

Maori Housing Amendment Act 1938 (1938 No 17) (1957 Reprint, Vol 9, p 18)

Amendment(s) incorporated in the Act(s).

Maori Welfare Act 1962 (1962 No 133)

Amendment(s) incorporated in the Act(s).

Marriage Act 1955 (1955 No 92) (1957 Reprint, Vol 9, p 365)

Amendment(s) incorporated in the Act(s).

Mental Health Act 1969 (1969 No 16)

Amendment(s) incorporated in the Act(s).

Minors Contracts Act 1969 (1969 No 41)

Amendment(s) incorporated in the Act(s).

New Zealand Foundation for the Blind Act 1963 (1963 No 26)

Amendment(s) incorporated in the Act(s).

Property Law Act 1952 (1952 No 51) (1957 Reprint, Vol 12, p 133)

Amendment(s) incorporated in the Act(s).

Public Trust Office Act 1957 (1957 No 36) (1957 Reprint, Vol 12, p 387)

Amendment(s) incorporated in the Act(s).

Statutes Amendment Act 1946 (1946 No 40) (1957 Reprint, Vol 15, pp 159, 162, 875)

Amendment(s) incorporated in the Act(s).

Trade Unions Act 1908 (1908 No 196) (1957 Reprint, Vol 15, p 827)

Amendment(s) incorporated in the Act(s).

Trustee Act 1956 (1956 No 61) (Reprinted 1968 Statutes, Vol 4, p 3279)

Amendment(s) incorporated in the Act(s).

Workers' Compensation Act 1956 (1956 No 62) (Reprinted 1966 Statutes, Vol 4, p 3326)

Amendment(s) incorporated in the Act(s).

Schedule 1: amended, on 20 May 2005, by section 11 of the Crimes Amendment Act 2005 (2005 No 41).

Schedule 1: amended, on 2 July 2001, by section 150(1) of the Hazardous Substances and New Organisms Act 1996 (1996 No 30).

Schedule 1: amended, on 3 June 1998, by section 8 of the Guardianship Amendment Act 1998 (1998 No 48).

Schedule 1: amended, on 1 October 1996, by section 290(1) of the Customs and Excise Act 1996 (1996 No 27).

Schedule 1: amended, on 1 September 1995, by section 96 of the Births, Deaths, Marriages, and Relationships Registration Act 1995 (1995 No 16).

Schedule 1: amended, on 1 July 1993, by section 4(2)(e) of the Hospitals Amendment Act 1993 (1993 No 26).

Schedule 1: amended, on 1 July 1993, by section 362(1) of Te Ture Whenua Maori Act 1993 (1993 No 4).

Schedule 1: amended, on 1 April 1993, by section 62(1) of the Health and Safety in Employment Act 1992 (1992 No 96).

Schedule 1: amended, on 1 January 1988, by section 2(2) of the Post Office Act Repeal Act 1987 (1987 No 115).

Schedule 1: amended, on 24 December 1986, by section 8(1) of the Finance Act 1986 (1986 No 134).

Schedule 1: amended, on 2 September 1985, by section 14 of the Minimum Wage Act 1983 (1983 No 115).

Schedule 1: amended, on 1 November 1983, by section 58(2) of the Apprenticeship Act 1983 (1983 No 16).

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Schedule 1: amended, on 1 April 1983, by section 161(2) of the Friendly Societies and Credit Unions Act 1982 (1982 No 118).

Schedule 1: amended, on 1 April 1982, by section 120(1) of the New Zealand Railways Corporation Act 1981 (1981 No 119).

Schedule 1: amended, on 1 February 1982, pursuant to section 74 of the Factories and Commercial Premises Act 1981 (1981 No 25).

Schedule 1: amended, on 1 April 1979, by section 28(1) of the Fencing Act 1978 (1978 No 50).

Schedule 1: amended, on 1 April 1978, by section 5(3)(e) of the Reserve Bank of New Zealand Amendment Act 1977 (1977 No 68).

Schedule 1: amended, on 1 January 1978, by section 30(2) of the Citizenship Act 1977 (1977 No 61).

Schedule 1: amended, on 1 November 1977, by section 62(1)(b) of the Agricultural Workers Act 1977 (1977 No 43).

Schedule 1: amended, on 1 April 1977 (applying with respect to the tax on income derived in the income year commencing on that date and every subsequent year), by section 436(1) of the Income Tax Act 1976 (1976 No 65).

Schedule 1: amended, on 1 April 1976, by section 149 of the Motor Vehicle Dealers Act 1975 (1975 No 127).

Schedule 1: amended, on 1 April 1975, by section 109 of the Children and Young Persons Act 1974 (1974 No 72).

Schedule 1: amended, on 1 April 1975, by section 12(1) of the Accident Compensation Amendment Act 1974 (1974 No 71).

Schedule 1: amended, on 8 March 1974, by section 235 of the Industrial Relations Act 1973 (1973 No 19).

Schedule 1: amended, on 1 April 1973, by section 247(1) of the Mining Act 1971 (1971 No 25).

Schedule 1: amended, on 1 August 1972, by section 106(5) of the Racing Act 1971 (1971 No 155).

Schedule 2 Regulations amended

s 7(1)

Agricultural Workers (Tobacco Growers) Order 1969 (SR 1969/57)

Amendment(s) incorporated in the regulations.

Apprentices Regulations 1963 (SR 1963/80)

Amendment(s) incorporated in the regulations.

Child Welfare (Forms and Procedure) Regulations 1926 (*Gazette* 1926, Vol 1, p 1111)

Amendment(s) incorporated in the regulations.

Child Welfare (Immigrant Children) Regulations 1949 (SR 1949/74)

Amendment(s) incorporated in the regulations.

Compensation Court Rules 1959 (SR 1959/183)

Amendment(s) incorporated in the rules.

Explosives Regulations 1959 (SR 1959/126)

Amendment(s) incorporated in the regulations.

Maori Welfare Regulations 1963 (SR 1963/87)

Amendment(s) incorporated in the regulations.

Tram-drivers Regulations 1947 (SR 1947/22)

Amendment(s) incorporated in the regulations.

Schedule 2: amended, on 24 December 1986, by section 8(1) of the Finance Act 1986 (1986 No 134).

Schedule 2: amended, on 1 April 1985, by regulation 42(2) of the Child Care Centre Regulations 1985 (SR 1985/48).

Schedule 2: amended, on 26 September 1975, by clause 4(2) of the Agricultural Workers Wages Order 1975 (SR 1975/228).

Schedule 2: amended, on 26 September 1975, by clause 5(2) of the Agricultural Workers (Farms and Stations) Wages Order 1975 (SR 1975/227).

Schedule 2: amended, on 7 July 1975, by the Revocation of Agricultural Workers (Tobacco Companies) Order 1967 (SR 1975/183).

Schedule 3

Transitional provisions and savings

s 8

Attainment of full age by person aged between 20 and 21 at the commencement of the Act

- 1 Where at the commencement of this Act a person has attained the age of 20 years but has not attained the age of 21 years he shall attain full age on 1 January 1971.

Application of Act to instruments (other than wills) executed or made before the commencement of the Act and to wills of testators who have died before the commencement of the Act

- 2(1) The following, namely,—
- (a) every instrument (other than a will or other testamentary disposition) executed or made before the commencement of this Act; and
 - (b) the will or other testamentary disposition of any testator who has died before the commencement of this Act,—
- shall be construed as if this Act (other than section 5 and clauses 2 to 11) had not been passed.
- (2) For the purposes of this clause and for the avoidance of doubt, it is hereby declared that the term **instrument** includes every award, industrial agreement, determination, or instrument of authority relating to remuneration or conditions of employment; and includes the Agricultural Workers (Market Gardens) Order 1967 and the Agricultural Workers (Orchardists) Order 1965, but does not include any other enactment.

Distribution of property as to which persons die intestate before the commencement of the Act

- 3 Except to the extent that section 4 and clause 1 enable a person to give a receipt or a discharge, or to assign or otherwise dispose of or disclaim rights or property, all property as to which any person has died intestate before the commencement of this Act shall be distributed in accordance with the enactments and rules of law which would have applied to it if this Act (other than section 5 and clauses 2 to 11) had not been passed.

Funds recovered

- 4 Any order or directions in force immediately before the commencement of this Act and made pursuant to any enactment relating to the control of money

recovered by or otherwise payable to a minor in any proceedings or as the result of the compromise or settlement of any claim for money or damages shall have effect as if any reference to the minor's attaining the age of 21 years or full age (however expressed) were a reference to his attaining the age of 20 years, or in relation to a person who by virtue of clause 1 attains full age on 1 January 1971, to that date.

Wardship and custody orders

- 5 Any order in force immediately before the commencement of this Act—
- (a) making a person a ward of court; or
 - (b) made under the Guardianship Act 1968 or any enactment repealed by that Act,—

which is expressed to continue in force until the person who is the subject of the order attains the age of 21 years or full age (however expressed), shall have effect as if the reference to his attaining that age were a reference to his attaining the age of 20 years, or in relation to a person who by virtue of clause 1 attains full age on 1 January 1971, to that date.

Maintenance agreements and orders

- 6 Nothing in this Act shall affect the liability of any person to pay maintenance under any agreement or order which is in force immediately before the commencement of this Act.

Vested interests

- 7 Nothing in this Act shall affect any estate, right, or interest in any real or personal property to which any person has become absolutely entitled, whether beneficially or otherwise, before the commencement of this Act.

Trustees' powers of maintenance and advancement

- 8(1) Where any trustee is empowered or directed by the provisions of the will or other testamentary disposition executed or made before the date of the commencement of this Act of a testator who dies on or after that date to pay or apply any income or any capital money or other capital asset for the maintenance, education, advancement, or benefit of any person, nothing in this Act shall have the effect of limiting that power or direction.
- (2) Where by any instrument executed or made before the date of the commencement of this Act or by any enactment in force immediately before the commencement of this Act any trustee is empowered or directed to pay income to the parent or guardian of any person, or to apply it for the maintenance, educa-

tion, advancement, or benefit of any person, the trustee shall also have power to pay it to that person himself if that person has attained the age of 20 years.

- (3) Notwithstanding any rule of law, any will or other testamentary disposition executed or made before the date of the commencement of this Act shall not be treated for the purposes of this clause as executed or made on or after that date by reason only that the will or other testamentary disposition is confirmed by a codicil made or executed on or after the date.

Adoption orders

- 9 This Act shall not prevent the making of an adoption order or interim adoption order under the Adoption Act 1955 in respect of a person who has attained the age of 20 years if the application for the order was made before the commencement of this Act, and in relation to any such case that Act shall have effect as if this Act had not been enacted.

Limitation of actions

- 10 The change by virtue of this Act in the construction of subsection (2) of section 2 of the Limitation Act 1950 (limitation in the case of a person under disability) shall not affect the time for bringing proceedings in respect of a cause of action which arose before the commencement of this Act.

Enactments incorporated in instruments

- 11 This Act (other than section 5 and clauses 2 to 11) shall not affect the construction of any enactment where it is incorporated in and has effect as part of any instrument the construction of which is not affected by this Act (other than section 5 and clauses 2 to 11).

Notes

1 *General*

This is a consolidation of the Age of Majority Act 1970 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Secondary Legislation Act 2021 (2021 No 7): section 3

Crimes Amendment Act 2005 (2005 No 41): section 11

Guardianship Amendment Act 1998 (1998 No 48): section 8

Hazardous Substances and New Organisms Act 1996 (1996 No 30): section 150(1)

Customs and Excise Act 1996 (1996 No 27): section 290(1)

Births, Deaths, Marriages, and Relationships Registration Act 1995 (1995 No 16): section 96

Hospitals Amendment Act 1993 (1993 No 26): section 4(2)(e)

Te Ture Whenua Maori Act 1993 (1993 No 4): section 362(1)

Health and Safety in Employment Act 1992 (1992 No 96): section 62(1)

Post Office Act Repeal Act 1987 (1987 No 115): section 2(2)

Finance Act 1986 (1986 No 134): section 8(1)

Child Care Centre Regulations 1985 (SR 1985/48): regulation 42(2)

Minimum Wage Act 1983 (1983 No 115): section 14

Apprenticeship Act 1983 (1983 No 16): section 58(2)

Friendly Societies and Credit Unions Act 1982 (1982 No 118): section 161(2)

New Zealand Railways Corporation Act 1981 (1981 No 119): section 120(1)

Factories and Commercial Premises Act 1981 (1981 No 25): section 74

Fencing Act 1978 (1978 No 50): section 28(1)

Reserve Bank of New Zealand Amendment Act 1977 (1977 No 68): section 5(3)(e)

Citizenship Act 1977 (1977 No 61): section 30(2)

Agricultural Workers Act 1977 (1977 No 43): section 62(1)(b)
Tokelau Amendment Act 1976 (1976 No 122): section 3(8)
Income Tax Act 1976 (1976 No 65): section 436(1)
Motor Vehicle Dealers Act 1975 (1975 No 127): section 149
Agricultural Workers Wages Order 1975 (SR 1975/228): clause 4(2)
Agricultural Workers (Farms and Stations) Wages Order 1975 (SR 1975/227): clause 5(2)
Revocation of Agricultural Workers (Tobacco Companies) Order 1967 (SR 1975/183)
Children and Young Persons Act 1974 (1974 No 72): section 109
Accident Compensation Amendment Act 1974 (1974 No 71): section 12(1)
Industrial Relations Act 1973 (1973 No 19): section 235
Racing Act 1971 (1971 No 155): section 106(5)
Mining Act 1971 (1971 No 25): section 247(1)